CLMA No. 6632 of 2004

In

A,O. No. 1371 of 2001

(Old No. 421 of 1978)

Hon. P.C. Pant, J.

An application bearing No. 6632 of 2004 for restoring the appeal from order No. 1371 of 2001 (Old F.A.F.O. No. 421 of 1978) has been moved on behalf of the appellant / applicant.

Heard, Mr. K.K. Shah, learned counsel for the applicant.

Perusal of the record shows that the appeal was dismissed in default on 5th January 1987, by Hon'ble V.P. Mathur, J. of Allahabad High Court. The record further shows that it is wrongly been transmitted to Uttaranchal High Court, as only pending cases could have been transferred under Section 35 of the U.P. Reorganization Act, 2000.

It appears that on 06.08.2004, the appeal was again dismissed in default by Hon'ble Justice Rajesh Tandon of this Court due to inadvertence. As such, the restoration application moved on 23.11.2004 for setting aside the order dated 06.08.2004 cannot be allowed in the circumstances of the case.

The application for restoration as such accordingly rejected.

The record of the appeal be consigned.

(P.C. Pant, J.)

Dt. 25.11.2004

HN